

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 29, 2001

DIVISION ONE

[illegible]

The order dismissing Cookson's complaint is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B139739 National Union Fire Insurance (Not for Publication)
Company Of Pittsburgh, PA
v.
Gladych & Associates, Inc., et al.

The judgment is affirmed. Respondent National Union Fire Insurance Company of Pittsburgh, PA., is entitled to recover its costs on appeal.

Mallano, J.

I concur: Spencer, P.J.
I concur in the judgment only: Vogel (Miriam A.), J.

B137335	Homeside Lending, Inc. v. Canyon View Estates et al.
B140456	Norwest Mortgage, Inc. v. Canyon View Estates et al.

Filed order modifying opinion. (No change in the judgment)

August 29, 2001-Continued

DIVISION ONE (Continued)

B143925 People (Not for Publication)
v.
Davenport et al.

The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B147368 People (Not for Publication)
v.
Thomas, Jr.

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B145326 People (Not for Publication)
v.
Ortiz

The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

August 29, 2001-Continued

DIVISION ONE (Continued)

[illegible]

The order is affirmed

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B145052 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Brenda F.

The orders are affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION TWO

B141628 Intercity Steel Company Inc. (Not for Publication)
v.
Bumgarner

The judgment of the trial court is affirmed.

McKnew, Jr., J. (Assigned)

We concur: Cooper, Acting P.J.
Todd, J.

August 29, 2001-Continued

DIVISION TWO (Continued)

B145130 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Gina L.

The orders appealed from are affirmed.

Cooper, J.

We concur: Nott, Acting P.J.
 Todd, J.

B137356 Jones (Not for Publication)
v.
Fire Insurance Exchange, et al.

The judgment granting the motion for nonsuit is affirmed. Costs to respondent.

Cooper, J.

We concur: Nott, Acting P.J.
 Todd, J.

B147516 People v. Bennett (Not for Publication)

The Court:

The appeal is dismissed.

Boren, P.J., Cooper, J., Todd, J.

August 29, 2001-Continued

DIVISION TWO (Continued)

[illegible]

The judgment is modified to stay the consecutive sentence of 25 years to life in prison on count 2, attempted first degree robbery, pursuant to section 654. In all other respects, the judgment is affirmed.

Cooper, J.

We concur: Nott, Acting P.J.
 Todd, J.

B125654 People (Not for Publication)
v.
Shallowhorn et al.

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Todd, J.

B141476 People (Not for Publication)
v.
Calloway

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Todd, J.

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B143723 Lawrence J. Kaufman (Not for Publication)
v.
Lance S. Spiegel

The order is reversed and the matter is remanded with directions to enter an order directing Spiegel to pay Kaufman \$29,902.05, plus interest in the amount determined by the trial court. In addition, the trial court shall redetermine Kaufman's motion for sanctions, guided, inter alia, by the discussion herein. Kaufman shall recover costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B142503 Robert Gonzalez (Not for Publication)

v.

Kaiser Foundation Health Plan, Inc., et al.

The summary judgment in favor of Flowers is affirmed. The summary judgment in favor of Kaiser is reversed and the cause is remanded to the trial court for further proceedings consistent with the views expressed herein. Costs on appeal to plaintiff.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B140577 David E. Zinke et al. (Not for Publication)

v.

Truck Insurance Exchange, etc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B145423 People (Not for Publication)

v.

Martinez

The judgment is modified by increasing to \$2,000 the Penal Code section 1202.45 fine imposed by the trial court and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modifications.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B137358 County of Los Angeles (Certified for Publication)
v.
Superior Court, Los Angeles County
(Crystal B., et al., r.p.i.)

The alternative writ heretofore issued on March 13, 2000, is discharged. The petition for writ of mandate seeking reversal of the trial court's original order granting Minors' petition is denied. However, because the trial court has already responded to our alternative writ by vacating its original order, and has entered a new order denying Minors' petition, a writ of mandate shall issue directing the trial court to vacate such subsequent order and to reinstate its original order granting Minors' petition. Minors are entitled to file their civil action despite County's denial of their application to present a late claim. The stay heretofore issued on March 13, 2000, shall be vacated as of the date the remittitur is filed herein. Costs are awarded to Minors.

Croskey, J.

I concur: Klein, P.J.
I dissent: Kitching, J. (Opinion)

August 29, 2001-Continued

DIVISION THREE (Continued)

B141539 People v. Moore

(Not for Publication)

The judgment appealed from is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B145433 MacGillivray (Not for Publication)
v.
Wicke

The judgment (order of dismissal) is reversed and the action is ordered reinstated. Costs are awarded to appellants.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B142926 People v. Danielle Williams (Not for Publication)
B151555 In re Danielle Williams on Habeas Corpus

The judgment is affirmed. The petition for habeas corpus is denied.

Armstrong, J.

We concur: Turner, P.J.
Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B122245 Ruth Kennedy
 v.
 Friskies Petcare Co.

Filed order modifying opinion (no change in the judgment). Petition for rehearing is denied. Armstrong, J. would grant rehearing.

DIVISION SIX

B146965 City of Santa Barbara (Not for Publication)
 v.
 Townsend

The judgment (order) is affirmed. Costs are awarded to the city.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SEVEN

B149452 People (Not for Publication)
 v.
 Trevor F.
 In re Trevor F., a person coming under the Juvenile Court Law.

The order under review is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Boland, J. (Assigned)

August 29, 2001-Continued

DIVISION SEVEN (Continued)

B149169 People (Not for Publication)
v.
Bess

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

B143106 Roberts (Not for Publication)
v.
County Of Los Angeles et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

August 29, 2001-Continued

DIVISION SEVEN (Continued)

113164-01

The HONORABLE PAUL BOLAND, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Seven, as a Justice thereof, on the following dates:

August 23, 2001 to November 30, 2001

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated August 3, 2001

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council